

Message

From: McGill, Thomas [McGill.Thomas@epa.gov]
Sent: 2/24/2020 12:48:14 PM
To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]
CC: Calli, Rosemary [Calli.Rosemary@epa.gov]
Subject: draft unresolved assumption issues

**** deliberative / do not release ****

Jeaneanne – Please see the draft list of unresolved assumption issues and let me know if you have any comments. It's currently under review by the Assumption Team.

- 1) ESA consultation not complete
 - a. The EPA has not received/reviewed the State's Biological Assessment.
 - b. Too early to know whether the FWS/NMFS may raise significant issues regarding the Biological Opinion
- 2) Program Description not complete
 - a. The State's Program Description is still under development, and much of it has not been received/reviewed by the EPA.
- 3) State rulemaking not complete
 - a. The State issued their Notice of Proposed Rulemaking on 2/19/2020;
 - b. EPA staff are reviewing the draft rules and is currently not aware of problems or issues.
- 4) FDEP MOAs with EPA and the Corps not final
 - a. At this time, EPA staff do not know whether the State's rulemaking process or ESA consultation may warrant changes to the current draft MOAs.
- 5) FDEP enforcement authorities under review
 - a. EPA staff are briefing senior leadership in March
- 6) Potential FDEP interest in delaying administration of an approved program
 - a. During a meeting on 2/18/2020, FDEP staff verbally informed EPA staff of their interest in beginning administration of the 404 program six months after EPA's approval.